

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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ALICIA M. GARAFALO,  
Plaintiff,

vs.

Civil Action No.  
1:11-CV-87 (MAD/RFT)

CITY OF SARATOGA SPRINGS, NEW YORK;  
COMMISSIONER OF PUBLIC SAFETY FOR THE  
CITY OF SARATOGA SPRINGS, NEW YORK;  
CITY OF SARATOGA SPRINGS, NEW YORK POLICE  
DEPARTMENT; EDWARD F. MOORE; and  
MICHAEL J. WELCH;

Defendants.

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APPEARANCES:

Tabner, Ryan Law Firm  
18 Corporate Woods Blvd.  
Albany, NY 12211-2605  
*Attorney for Plaintiff*

Bailey, Kelleher Law Firm  
Pine West Plaza 5  
Suite 507  
Washington Ave. Extension  
Albany, NY 12205  
*Attorney for Defendants*

OF COUNSEL:

Thomas R. Fallati, Esq.

Nannette R. Kelleher, Esq.  
William C. Firth, Esq.

**Mae A. D'Agostino, U.S. District Judge**

**JUDGMENT DISMISSING ACTION  
BASED UPON SETTLEMENT**

The Court has been advised that this action has been settled, or is in the process of being settled. Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

**ORDERED**, as follows:

- 1) The above captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within sixty days of the date of the filing of this order upon a showing that the settlement was not consummated;
- 2) The dismissal of the above captioned case shall become **with prejudice** on the sixty-first day after the date of the filing of this order unless any party moves to re-open this case within sixty days of the date of filing of this order upon a showing that the settlement was not consummated. Upon completion of settlement, the parties are directed to exchange general releases and file a **Stipulation of Discontinuance** with the Court that must include language "that no party hereto is an infant or incompetent" in compliance with N.D.N.Y.L.R. 41.3; and
- 3) The Clerk shall serve copies of this Judgment upon counsel in this matter by electronic means.

Dated: October 30, 2013  
Albany, New York



Mae A. D'Agostino  
U.S. District Judge